HIGH COURT OF UTTARANCHAL AT NAINITAL

Government Appeal no. 2022 of 2001

(Old No. 11 of 1999)

State of U.P. .....Appellant.

Versus

1. Trilok Chandra
2. Y.K. Singh ..... Respondent.

Hon'ble Rajesh Tandon, J.

This is an application under section 378 (3) Cr.P.C. for leave to appeal, against the judgment and order dated 6.10.1998 passed by the Addl. Judicial Magistrate, Khatima, District Udham Singh Nagar in Criminal Case No. 356 of 1997, under section 409, 420 I.P.C. thereby acquitting the accused respondents.

I have heard the learned A.G.A. and have perused the judgment and order of the Judicial Magistrate.

In the case of misappropriation of Government money the prosecution entirely dependents upon the documentary evidence but in the present case as it has been held by the learned Magistrate that whatever documents produced by the prosecution in support of its case are unproved. Thus I find no reason to allow the application. The application for leave to appeal is rejected.

Accordingly, the appeal is dismissed.

Dated: 15.12.2006 **Rajesh Tandon, J**

***Dhyani**